

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHWESTERN DIVISION**

United States of America,	)	
	)	
Plaintiff,	)	<b>ORDER DISTRIBUTING SURPLUS</b>
	)	<b>FUNDS</b>
v.	)	
	)	
LeRoy E. Vollmer; Carla M. Bromly; The	)	
Arthur Companies, s/b/a Harvey Farmers	)	Case No. 4:05-cv-087
Elevator, Inc., d/b/a Harvey Farmers	)	
Elevator; Casey Vollmer; and Cody Vollmer,)	)	
	)	
Defendants.	)	

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On July 29, 2005, the Government filed suit seeking to foreclose on real property mortgaged to the Government. On March 31, 2006, default judgment was entered against LeRoy E. Vollmer, Carla M. Bromly, Casey Vollmer and Cody Vollmer. The remaining defendant, The Arthur Companies, stipulated to the entry of judgment, and judgment as to The Arthur Companies was also entered on March 31, 2006. The property was sold at a Marshal's sale on June 8, 2006. On June 26, 2006, the Government sent a notice of surplus sale proceeds to defendants LeRoy Vollmer, Carla Bromly, Casey Vollmer, Cody Vollmer, and The Arthur Companies. Three applications for release of funds were filed with the Court. On June 19, 2006, LeRoy Vollmer filed an application for release of all of the excess funds. On June 30, 2006, The Arthur Companies filed an application for release of funds in the amount of \$2,773.92.<sup>1</sup> On July 19, 2006, Carla Bromley, Casey Vollmer, and Cody Vollmer filed an application for release of funds in the amounts of \$2,270.85, \$1,666.47, and \$1,481.57 respectively.

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<sup>1</sup>The Arthur Companies obtained a judgment in McHenry County Civil No. 04-C-028 against LeRoy Vollmer on March 17, 2004, in the amount of \$2,051.09 with interest at a rate of 12% per annum.

A hearing was held on Wednesday, July 26, 2006, at 1:30 p.m., before Judge Daniel L. Hovland, in Bismarck, North Dakota. Attorney Devlin Losing appear representing The Arthur Companies and LeRoy Vollmer appeared pro se. LeRoy Vollmer agreed to the release of funds to The Arthur Companies in the amount of \$2,773.92. LeRoy Vollmer also advised that the three checks issued to Carla Bromely, Cody Vollmer, and Casey Vollmer were a result of his hospitalization and that such monies rightfully belonged to him.

The Court directs the Clerk of Court to release the surplus funds held in the local registry account, as follows: \$2,773.92 to Arthur Companies, in care of Delvin J. Losing, Burgum Law Firm, 736 Front Street, Casselton, ND 58012; and the remainder plus any accrued interest to LeRoy Vollmer, 1583 39th Street NE, Anamoose, ND 58710.

**IT IS SO ORDERED.**

Dated this 26th day of July 2006.

/s/ Daniel L. Hovland

Daniel L. Hovland, Chief Judge  
United States District Court